



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**April 11, 2005**

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**SUBJECT:**           **2005-0145:** Application on a 3,692 square-foot site located at **392 Waverly Street** in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District;

**Motion:**           Modification to a previously approved Special Development Permit to allow a 200 square-foot addition to an existing house;

**REPORT IN BRIEF**

**Existing Site Conditions**           Single-Family Residential

**Surrounding Land Uses**

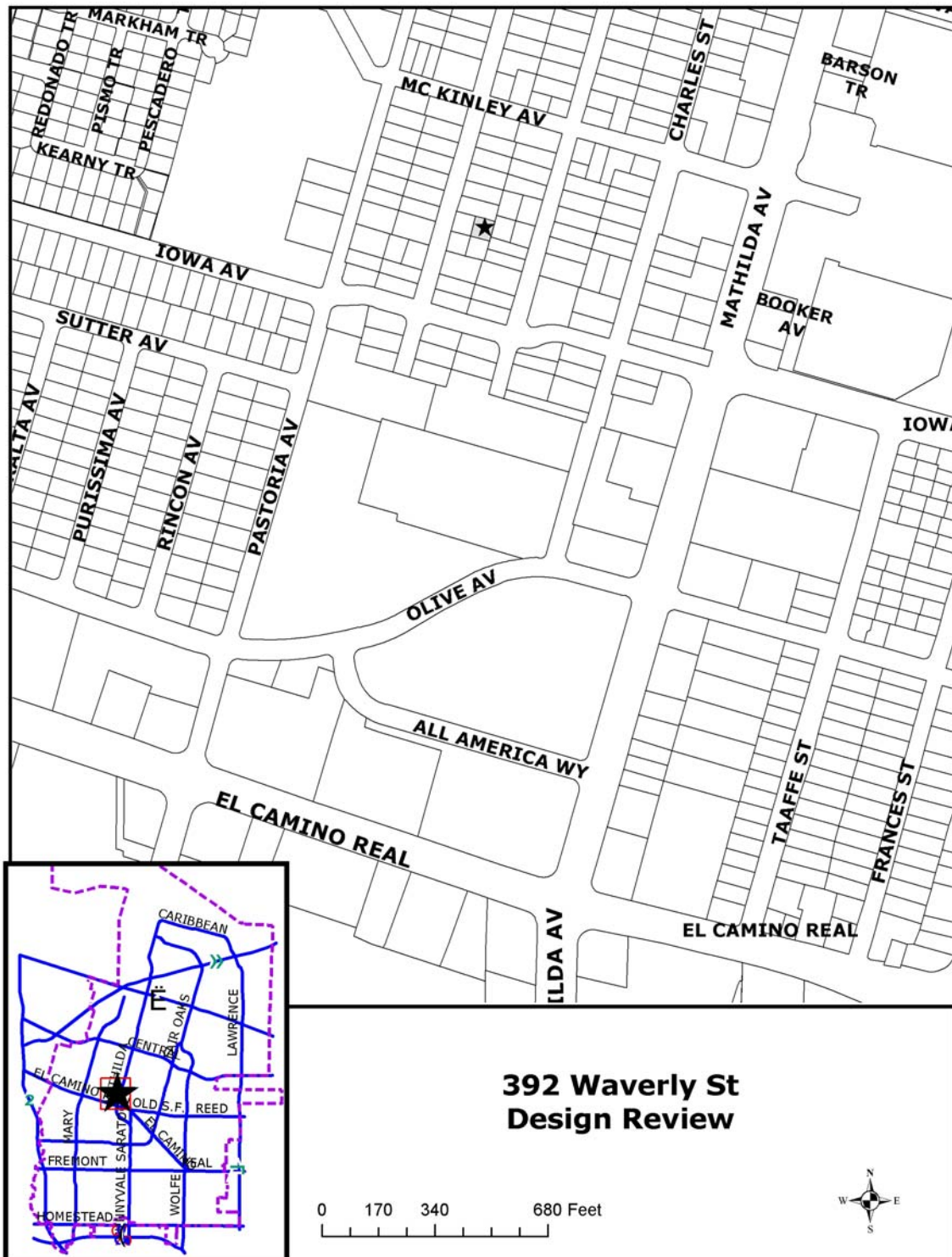
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

**Issues**                           Condition of previously approved Special Development Permit:

- Rear yard setback,
- Floor Area Ratio

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approval



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Medium Density	Same	Residential Low Medium Density
<b>Zoning District</b>	R-2/PD	Same	R-2/PD
<b>Lot Size (s.f.)</b>	3,690	Same	3,600 min.
<b>Gross Floor Area (s.f.)</b>	1,571	1,771	1,661 max.
<b>Lot Coverage (%)</b>	32.2%	36.3%	40% max.
★ <b>Floor Area Ratio (FAR) per original SDP</b> (previous calculation methodology)	50.7%	57.1%	50.7% per SDP
★ <b>Floor Area Ratio (FAR)</b> (per current practice)	42.6%	47.2%	45% w/o PC review
<b>Bedrooms</b>	3	4	N/A
<b>Building Height (ft.)</b>	24'	Same	30' max.
<b>No. of Stories</b>	2	Same	2 max.
<b>Setbacks (First Facing Property)</b>			
• <b>Front</b>	3'	Same	3' min. by SDP
• <b>Right side</b>	12.5'	Same	8' min.
• <b>Left side</b>	6'	Same	4' min.
• <b>Rear</b>	18'	10'	20' min. (10' for one-story)
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	1,049	866	850 min.
• <b>Usable Open Space</b>	1,049	549	500 min.

★ Starred items indicate deviations from Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The applicant has proposed a single-story 200 square feet addition to the rear of their house to add a guest room, increase the size of an existing bathroom and relocate the kitchen. The project results in a 10 foot single-story rear yard setback where an 18 foot setback currently exists.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

The subject site was originally part of a larger lot that was Rezoned (R-2 to R-2/PD) and subdivided into 4 parcels in 1995 (see Attachment E for layout). Several neighbors attended the 1995 Planning Commission public hearing to express concern with the proposed development. The project was approved with Conditions of Approval that included:

- 1) Any major site and architectural plan modifications ... shall be subject to approval at a public hearing before the Planning Commission.
- 2) A minimum setback of 18 feet relative to rear yards of adjacent property;
- 3) An average FAR (for the four lots) not to exceed 50.8%.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing / Decision</b>	<b>Date</b>
1995-0055	Special Development Permit for site and architectural approval	Planning Commission / Approved	3/27/95
1995-0051 (2005-0050 RZ, 2005-0052 TM)	Special Development Permit (incl. Re-Zone, Tentative Map) to subdivide lot of 4 single family homes	Planning Commission / Approved	3/15/95

While the proposed addition is relatively small, the previously established condition of approval requires Planning Commission for the proposed change.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor additions to existing facilities.

**Special Development Permit**

**Site Layout:** The subject site is a rear unit of a four lot subdivision. From Waverly Street, the site is located on the left side in the back of the site. Access to the site is via a shared driveway. The lot has reduced front and rear yard setbacks, including a 3 foot “front” yard setback (based on the orientation of the lot) and an 18 foot rear yard setback. The front yard area is taken up by parking and there is essentially no landscaping. All of the open space and landscaping is located in the rear yard (see Attachment C for Site Plan).

**Architecture:** The proposed architecture is in conformance with the existing building. Given the proposed project is for a single-story addition to the rear of the building, the aesthetic impact of the architecture is expected to be minimal. The color and texture of the addition should match the existing exterior walls and roof (see Conditions of Approval 1.F and 1.G).

**Landscaping:** The project will result in the total landscaping being reduced from 1,049 square feet to 866 square feet, which still exceeds the required minimum of 850 square feet. The total usable open space will be reduced from 1,049 square feet to 549 square feet, which just exceeds the minimum of 500 square feet.

While coverage of the lot with pervious materials is of concern, the small lot size does not result in the site triggering stormwater management requirements. The standard Code requirement of less than 50% of the front yard being paved was waived as part of the originally approved Special Development Permit.

There are no protected heritage trees on site that may be jeopardized by the addition. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. However, the neighbor to the rear of the site has a young tree that is located along the property line. Any design and construction activities should take the root base of the neighboring tree into account (see Condition of Approval 3A).

**Parking:** Parking and circulation on the site will not be impacted by the proposed addition.

**Compliance with Development Standards/Guidelines:** The proposed addition does not comply with the previously approved Special Development Permit (SDP) on two issues:

- 1) Reduction to allowable rear yard setback, and
- 2) Exceeding allowable Floor Area Ratio (FAR).

The approved SDP required a minimum rear yard setback of 18 feet. The applicant proposes reducing this to 10 feet for the one-story addition, which is typically allowed by the Sunnyvale Municipal Code, except in situations where the SDP is more specific. (The prerequisite that the addition not encroach over 25% of the rear yard area is met by the proposed plans.)

The original SDP approved an average FAR of 50.8% for the four separate lots as the maximum allowable. The approved SDP listed 50.9% for lots that front on Waverly (listed as Lot 1 and 2 in the original SDP), and 50.7% for rear lots (listed as lots 3 and 4 in the original SDP, with Lot 3 being the subject site).

(See attachment E for a subdivision plan for the four lots.) However, this calculation did not include the driveway in the overall site area, which is the current practice for calculation of FAR when reviewing small lot clustered developments. Based on the current practice, the existing FAR of the site would only be 42.6% and the proposed FAR with the addition would be 47.2%. Even without the requirements of the previously approved SDP, this proposed addition would have required Planning Commission review as it triggers the standard 45% FAR requirement for a public hearing design review.

**Expected Impact on the Surroundings:** The addition may have a visual impact on the neighboring properties located along the rear yard. Approving the addition would raise the issue of setting precedence for the other 3 lots on the subdivided site. If all four properties were approved for similar additions, the overall increase in impervious surface would be quite high.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

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No letters have been received to date. Members of the public who attended the 1995 public hearing were also notified of the proposed addition.

### **Planning Commission Study Session:**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>Published in the <i>Sun</i> newspaper</li> <li>Posted on the site</li> <li>22 notices mailed to adjacent property owners, residents of the project site, and people who had attended the 1995 public hearing</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City of Sunnyvale's Website</li> <li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City's official notice bulletin board</li> <li>City of Sunnyvale's Website</li> <li>Recorded for SunDial</li> </ul>

### **Conclusion**

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**Discussion:** While the proposed addition is relatively small, it raises several issues for consideration.

When the original SDP was approved, the development was denser than all of the surrounding properties, in terms of both lot coverage and FAR. Thus, the limits to the rear yard setback and overall FAR provided some measure of

assurance that the density on the site had been maximized. Perception of that issue has arguably been modified by the 1998 approval of a similar four lot division on Florence Street, which abuts the subject site. The Florence development included a two-story house with a reduced setback located just behind the subject site. Therefore, the standard concern for loss of neighbor's privacy that is usually part of the setback consideration does not appear to be an issue in this case.

The proposed development maximizes an already dense development and reduces the limited open space to a minimum allowable area. If the subject site neighbored the standard single family homes in the area, the additional bulk would be too great for staff to support. However, the rear yard of the neighboring property has a similar development with a two-story house. While staff could not gain access to the site to measure the setback, the neighboring site appears to have a reduced setback for the two-story house of approximately 16 feet. As the primary concern of a reduced setback is the potential loss of privacy for the neighboring property, staff does not consider this to be a notable issue in this case.

The reduction of open space and landscaping is of concern to staff. While the proposed addition allows the site to meet the minimum requirements, the overall four-lot area already has an excess of impervious surface. While stormwater runoff during a major storm may be an issue for the site, it is not currently an issue for the general vicinity.

The other issue is one of setting precedence for the other three lots on the site. The previously approved SDP specifically restricted additions to the site. If this relatively small addition is allowed, it should clearly state that a review shall be done on a case-by-case basis, and re-establish a maximum FAR for the either the individual or all four lots. Given that the other rear lot on the subdivision has a similar layout, it would be difficult to argue allowing one addition and not allowing a similar addition on the neighboring lot.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment 1.

**Conditions of Approval:** Conditions of Approval are located in Attachment 2.

## **Alternatives**

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1. Approve the proposed Special Development Permit with attached conditions.
2. Approve the proposed Special Development Permit with modified conditions.
3. Deny the proposed Special Development Permit.

**Recommendation**

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Alternative 1.

Prepared by:

Jamie McLeod,  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Previous SDP Lot Subdivision Plans (1995)



### **Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides for the reasonable use of the homeowner's property with minimal impact on the surrounding neighborhood.

#### **Land Use and Transportation Element.**

***Policy N1.2** - Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.*

#### **Basic Design Principles.**

*2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.*

*2.2.3 Design homes to respect their immediate neighbors.*

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project provides for the homeowner to maximize the use of their property while begin compatible with the design of the home of their immediate neighbors and having a minimal impact on neighboring properties.

**Recommended Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing by the Planning Commission.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Comply with all requirements of previously approved Special Development Permit File Number 1995-0055, with only the exception of any conditions listed as a part of this permit.
- F. Exterior walls materials and colors to match existing.
- G. Roof materials and color to match existing.

**2. ACCESSORY LIVING UNIT**

- A. No accessory living units shall be allowed on the site.

**3. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development for any trees located within 15 feet of the addition.